

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

2002 NOV 27 4 2 38

UNITED STATES OF AMERICA :  
 :  
v. : Civil No. WMN-00-2424  
 : Criminal No. WMN-96-0458  
MARK M. COLES :  
 :

MEMORANDUM

Defendant Mark Coles filed a motion to vacate sentence pursuant to 28 U.S.C. § 2255, arguing that the grand jury that indicted him lacked the jurisdiction to do so because he contends that he was a juvenile at the time that he supposedly committed the crimes for which he was charged. On August 16, 2000, this court denied the motion on the ground that it was untimely, explaining that the time limitations of § 2255 do not include an exception for claims of lack of subject matter jurisdiction. In the order that issued, the Court indicated that Defendant could file a motion for reconsideration explaining why he does not believe that the one year limitations period had expired. Defendant filed an "Amended Motion" to vacate sentence on September 27, 2000, raising essentially the same grounds as the original motion, with no reference to the time limitations on motions under § 2255.

For the same reasons as stated in the memorandum denying the

01/11/2002  
ms

3/3  
1023  
ms

original motion, Defendant's amended motion is denied. A separate order will issue.

A handwritten signature in black ink, appearing to read 'William M. Nickerson', written over a horizontal line.

William M. Nickerson  
Senior United States District Judge

Dated: November 21, 2002